

Opening Statement
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Committee on International Relations
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In the last four months we have held oversight hearings on democratization in the Western Hemisphere, trade agreements, the growing threat of crime and gangs, the rising influence of China, and the deplorable human rights conditions in Cuba. Today, the Subcommittee intends to continue our broad overview of affairs in the hemisphere by examining the state of justice sector reforms, government transparency and the rule of law in Latin America.

One of the lynchpins of a democratic state is a transparent and impartial legal system, and guarantees that all people regardless of race, creed, or social status will have access to it.

Where there are strong legal institutions there tends to be greater respect for human rights, less tolerance of corrupt practices, and more effective deterrence against crime. A strong and independent judiciary leads to greater integrity of legal proceedings and outcomes that are less likely to be perceived as being compromised for political purposes.

Conversely, where there are weak legal institutions we see higher levels of crime, less respect for human rights, higher levels of corruption, and other systemic abuses of power. Furthermore, in these countries we are more likely to see citizens take to the streets, and resort to violence to mete out justice or bypass constitutional mechanisms.

We have most recently seen examples of this type of mob-justice in Guatemala, Ecuador and Bolivia.

In countries where there is institutionalized respect for the rule of law, we are less likely to see extrajudicial killings and other abuses by police and security forces. We are less likely to see discrimination against minorities, forced labor, exploitation and trafficking in women and children. Among other countries in Latin America, Argentina, Bolivia, Brazil, Ecuador, Colombia, and Honduras are cited in the State Department Annual Report on Human Rights for their problems in these areas.

Perhaps the most glaring example of lawlessness in the entire hemisphere may be Haiti – the hemisphere’s poorest nation which has been chronically plagued by violence and political instability. After the ouster of the corrupt Aristide government in February 2004, I had high hopes that the United Nation’s Stabilization Mission could finally turn this country around. Regrettably, this may not happen as we are starting to see signs that Haiti is once again slipping backwards into violence as U.N. forces increasingly contend with growing security challenges.

I won’t dwell on the injustices perpetrated by the Castro regime on the Cuban people for decades as these facts should be well known to many of us from the testimony we heard earlier this year from Cuban exiles and directly from brave Cuban activists.

My concern and I know this is a concern shared by many of my colleagues, is that these “pockets of lawlessness” may expand to other countries.

During our Gangs and Crime hearing last month the Subcommittee heard testimony indicating that crime rates in Latin America are among the highest in the world, and there are regions throughout the hemisphere where homicide rates are as much as three times higher than the average urban rate.

The Inter-American Development Bank estimates that Latin America’s per capita Gross Domestic Product could be twenty-five percent higher if the region’s crime rates simply paralleled other parts of the world.

These high crime rates have shaken many Latin Americans' trust in their governments and their law enforcement institutions make them question the value of democracy in general. A UNDP report released last year revealed that a bare 43 percent of Latin Americans fully support democracy.

Other polling data suggests that Latin Americans have "little" or "no" confidence in their executive, judiciary, legislature, political parties, armed forces or police.

Additional studies conducted by the World Bank and the Center for Strategic and International Studies further support the notion that a corrupt or inefficient justice sector can slow economic development, undermine the strength and credibility of democratic institutions, and erode the social capital necessary for development.

The message is clear, so long as governments are perceived as unable to deliver basic services such as public security; the public's faith in democracy is under threat.

To make matters worse, there are signs that a few governments in the region are not just failing to move forward with reforms but are in fact beginning to move backwards towards totalitarian or authoritarian rule.

The news is not all bad though; dissatisfied with the status quo, civil society leaders in Mexico, Colombia, Peru, and El Salvador are mobilizing to hold their governments accountable and push for justice reform and adopting new methods of policing their communities. Networks of national and regional civil society organizations work to better inform the public about the importance of establishing "cultures of lawfulness." Collaborative efforts have begun to develop across borders in order to formulate regional approaches to justice reform. I look forward to hearing from our witness from INL today regarding one such approach, the establishment of an International Law Enforcement Academy (ILEA) in the region. The increased inter-governmental cooperation in security and law enforcement embodied in the ILEA proposal is in my opinion a concept and commitment that is long overdue.

The bottom-line is that States in the region that do not overcome their "cultures of lawlessness" pose a serious risk to our own national security. We must fully understand this and recognize that the region's problems are not someone else's problem, they are OUR problems as well; and we have a responsibility to help.

We need to encourage countries that have been slow to act to embrace reform, and in those countries that have recently reformed their judicial systems, we need to be prepared to provide proper training and technical expertise to see that those reforms live up to the promise of their potential. Failure can not be an option.

In closing, I want to thank all of our distinguished witnesses for joining us today. I look forward to their perspectives on these issues and their suggestions for where we go from here. I also want to thank Ranking Member Bob Menendez and his staff for their typically excellent support in helping the Subcommittee prepare for this hearing.